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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/520,975

01/11/2005

Kazuhiko Takabayashi

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11/24/2009

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EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/520,975	<b>Applicant(s)</b> TAKABAYASHI ET AL.	
	<b>Examiner</b> ASHOK B. PATEL	<b>Art Unit</b> 2449	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 6, 15 and 21-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-9, 16-18 and 25-27 is/are rejected.
- 7) ☒ Claim(s) 1-5, 10-14, 19, 20 and 28-32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-28 are subject to examination. Claims 6, 15 and 24 are cancelled.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 7 16 and 25 for *Claim Rejections under 35 USC § 102* have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant's arguments filed 07/07/2009 for 35 U.S.C. § 112, second paragraph. have been fully considered but they are not persuasive for the following reasons:

#### **Applicant's argument:**

"Breadth of a claim is not to be equated with indefiniteness. *In re Miller*, 441 F.2d 689, 169 USPQ 597 (CCPA 1971). If the scope of the subject matter embraced by the claims is clear, and if applicants have not otherwise indicated that they intend the invention to be of a scope different from that defined in the claims, then the claims comply with 35 U.S.C. 112, second paragraph. MPEP § 2173.04 (emphasis added).

Accordingly, even if the claims do not require the determination to be preformed at a particular location, the pending claims still particularly point out and distinctly claim the invention as required by 35 U.S.C. § 112, second paragraph.

#### **Examiner's Response:**

Claim recites "a device-to-device authentication system for authenticating one or more devices on a local area network connectable to an external network via a router as a default .gateway" and "a unit configured to refuse the request when it is not

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determined that the first device and the second device are on the same local area network.” Thus claim recites that the communication always takes place within “a local area network” although “one or more devices on a local area network connectable to an external network via a router as a default .gateway”.

Therefore, “a source media control access address” is the address that originated from the “one or more devices” connectable to “router” and the “one or more devices” that is located within “a local area network”. And thus “one or more devices” is the source of “a source media control access address”.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 7, 16 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagami et al. (hereinafter Nagami) (US 2005/0100025 A1)

#### **Referring to claim 7,**

Nagami teaches a device-to-device authentication system for authenticating one or more devices on a local area network connectable to an external network via a router as a default .gateway, the system comprising:

a storage unit configured to store identification information identifying a local area network of a first device and a local area network of a second device (Para. [0167]-[0170]); and

a unit configured to determine when the local area network of the first device and the local area network of the second device are the same local area network by comparing the identification information identifying the local area network of the first device to the identification information identifying the local area network of the second device, wherein the local area network of the first device and the local area network of the second device are determined to be the same local area network when the comparison determines the information identifying the local area network of the first device and the identification information identifying the local area network of the second device are the same; wherein the first device comprises: a unit configured to receive a request for access from the second device; a unit configured to permit the request when it is determined that the first device and the second device are on the same local area network; and a unit configured to refuse the request when it is not determined that the first device and the second device are on the same local area network.( (Para. [0167]-[0170])

**Referring to claim 16,**

Claim 16 is a claim to a method carried out by the system of claim 7. Therefore, claim 16 is rejected for the reasons set forth for claim 7.

**Referring to claim 25,**

Claim 25 is a claim to a communication apparatus of the system of claim 7. Therefore, claim 25 is rejected for the reasons set forth for claim 7.

### **ALLOWABLE SUBJECT MATTER**

Claims, except 7, 16 and 25, are objected but would be allowable if rewritten in the form complying with the 35 USC § 112, second paragraph. Claims except 7, 16 and 25, incorporate the phrase "a source media control access address". Examiner objects these claims based on the interpretation of this phrase as being the "media control access address" of a default gateway and the determination of "local area network is taking place at the "first device", that is the location of " a local environment management unit."

The objected claims are unclear as to where the determination is taking place. Please advise.

### ***Conclusion***

**Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHOK B. PATEL whose telephone number is (571)272-3972. The examiner can normally be reached on 6:30 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ashok B. Patel/

Primary Examiner, Art Unit 2449